



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA

Date: May 16, 2018

To: U.S. Department of Homeland Security,
Bureau of Customs and Border Protection

From: Eric Magnan, Supervisor, Pesticides Team, SDWA/FIFRA Enforcement Office
U.S. EPA, Region 9

Subject: Requested Action to Be Taken Regarding the Ultrasonic Cordless Yard & Garden
Protector devices in the Shipment with Entry Number 101-8001983-8.

By this memorandum, the U.S. Environmental Protection Agency, Region 9 (EPA) is informing the Bureau of Customs and Border Protection of the U.S. Department of Homeland Security (CBP) that the Ultrasonic Cordless Yard & Garden Protector in the import shipment described below should be **Denied Entry-Refused Delivery** into the United States pursuant to the authority of Section 17(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136o(c), and the implementing regulations at 19 C.F.R. § 12.114. An electronic alternative to the Notice of Arrival was filed in the Automated Commercial Environment (ACE) in accordance with 19 C.F.R. § 12.112. The entry was marked "Refused" in ACE by EPA on May 16, 2018.

The following information pertains to the shipment of Ultrasonic Cordless Yard & Garden Protector devices:

- The broker is Kuehne + Nagel Inc. 20000 S. Western Ave. Torrance, CA 90501;
- The importer is Jobar International Inc., 21022 Figueroa St. Carson, CA 90745;
- The consignee is Jobar International Inc., 21022 Figueroa St. Carson, CA 90745;
- The shipper is Homesquare International Ltd. Rm 8-9, 13/F, Tower 2, Ever Gain PZ Kwai Chung, HK;
- The carrier is Hyundai Merchant Marine (America), Room 809 Qili Mansion No 800 Chaohang Street, Yantai, CN 264001.
- The quantity of devices is 3000 pieces;
- The entry number is 101-8001983-8;
- The master bill number is HDMUHKWB8418761;
- The estimated arrival date is April 2, 2018;
- The port of entry is Los Angeles; and
- The country of origin is China.

The importer, Jobar International Inc ("Jobar"), submitted a label for this product to EPA which contained the statement, "EPA Est. #: 072812-HKG-001." This was previously a valid and active EPA establishment number. However, the establishment has been inactive since September 27, 2017. The importer stated that the production date of the device was "03/16/18." This date is after the date that the importer inactivated the registration of the establishment. Therefore, the products are misbranded as that term is defined in Section 2(q)(1)(D) of FIFRA, 7 U.S.C. § 136(q)(1)(D) because the devices do not bear the establishment number of a registered establishment. In addition, it is unlawful to produce a pesticide or device in an unregistered establishment per Section 12(a)(2)(L) of FIFRA, 7 U.S.C. § 136(a)(2)(L). The distribution of a misbranded device is an unlawful act under FIFRA Section 12(a)(1)(F), 7 U.S.C. § 136j(a)(1)(F). Pesticides and devices entering the United States cannot be misbranded, therefore this entry is denied pursuant to Section 17(c) of FIFRA 7 U.S.C. § 136o(c).

If you have any further questions or concerns, please contact Allison Watanabe at 213-244-1807 or watanabe.allison@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Magnan', with a stylized flourish at the end.

Eric Magnan, Supervisor
Pesticides Team
SDWA/FIFRA Enforcement Office

cc: Kuehne + Nagel Inc.
Jobar International Inc.